

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2000-6

388.996 Center for educational performance and information; establishment as temporary agency; transfer of certain powers and duties from the database for educational performance and information and the department of education to center.

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 4, of the Constitution of the state of Michigan of 1963 authorizes the establishment of temporary commissions or agencies for special purposes with a life of no more than two years, and provides that such temporary commissions or agencies need not be allocated within a principal department; and

WHEREAS, a primary reason for improving the quality and availability of educational data is to increase public understanding of our education system in Michigan and to provide information that will help all Michigan residents know if their schools are meeting academic, financial and operational performance expectations and, if not, identify where improvements can be made; and

WHEREAS, local boards of education, school administrators, policymakers, educational organizations and parents need and use student, financial, personnel and building-level data to make informed decisions, research educational trends, measure student performance, evaluate various reforms, determine the educational value of each dollar spent, and efficiently and effectively distribute financial, human and other resources; and

WHEREAS, the existing methods of gathering educational data are often inefficient, paper-based, redundant, inconsistent, time consuming and scattered throughout state and local government, thus making it difficult for the public to easily ascertain how well schools are performing.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. ESTABLISHMENT OF THE CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION

A. Establishment

The Center for Educational Performance and Information ("Center") is hereby established as a temporary agency pursuant to Article V, Section 4, of the Constitution of the state of Michigan of 1963. It shall have a life of no more than two (2) years commencing September 28, 2000.

B. Director

The Governor shall appoint one person to serve as Director of the Center and that person shall serve as Director at the pleasure of the Governor. The Director shall, in addition to the other duties and responsibilities given to the Director herein or assigned or transferred to the Director as head of the Center by statute or executive order, be responsible for the oversight and supervision of employees of the Center and for its operations. The Director shall also perform such other duties and exercise other powers as the Governor may prescribe.

C. Compensation

The Director shall receive reasonable compensation.

D. Other Deputies and Assistants

Administrative support shall be provided by the Department of Education. The Director may appoint other deputies, assistants and employees as necessary. Compensation for whom shall be established according to relevant Department of Civil Service rules and regulations.

E. Advisory Committee

The Director of the Center may establish an advisory committee to advise the Director regarding management and implementation of educational data.

II. TRANSFER OF FUNCTIONS - CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION

A. All of the administrative statutory powers, duties, functions and responsibilities of the Database for Educational Performance and Information, created and set forth in Section 94a of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1694a of the Michigan Compiled Laws, are hereby transferred to the Center for Educational Performance and Information by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. All of the administrative statutory powers, duties, functions and responsibilities of the Department of Education regarding educational reports, set forth in Section 19(2) of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1619(2) of the Michigan Compiled Laws, are hereby transferred to the Center for Educational Performance and Information by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. All of the administrative statutory powers, duties, functions and responsibilities of the Department of Education regarding information necessary for the preparation of the district pupil retention reports, set forth in Section 158 of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1758 of the Michigan Compiled Laws, are hereby transferred to the Center for Educational Performance and Information by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

D. All of the administrative powers, duties, functions and responsibilities of the Department of Education's Michigan Education Information System are hereby transferred to the Center for Educational Performance and Information by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

E. All of the administrative powers, duties, functions and responsibilities of the Department of Treasury regarding contracts with third parties to develop systems to measure the financial and operational activities and program effectiveness of K-12 systems are hereby transferred to the Center for Educational Performance and Information by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

III. DUTIES AND RESPONSIBILITIES OF THE CENTER

A. General duties

1. The Center shall:

a. Establish relevant procedures for the collection and management of educational data and such other information that may be necessary;

b. Establish a single repository of educational data that is shared electronically by all stakeholders;

c. Provide technical support to intermediate school districts, local school districts, local school buildings, and public school academies so that data collection is efficient, accurate, eliminates unnecessary duplication, and assures the appropriate level of security that will protect the privacy of individual student records; and

d. Provide technical assistance to users of educational data at all levels of government and the general public.

B. Management of Data

1. The Center shall have authority over the management and further implementation of the Michigan Education Information System and shall have authority over the management of all other educational data retained in other departments and agencies within state government. The Center shall also:

a. Determine what educational data is necessary to collect and maintain in order for all stakeholders to make informed decisions regarding the allocation of resources and educational performance;

b. Define the roles of all stakeholders in the collection and management of educational data;

c. Establish timelines for the implementation of the Database for Educational Performance and Information, the Center, and for the ongoing collection of educational data;

d. Establish data codes, data definitions, file formats, record structures, data transmission protocols, software and hardware specifications, and other system specifications and procedures as necessary for the efficient and accurate transmission and collection of data;

e. Establish a system for ensuring the accuracy of the data;

f. Provide technical assistance to users of the data to ensure that the data is provided in the most useful manner to users and that the user is aware of the data definitions and limitations;

g. Conduct educational studies and prepare reports as appropriate to produce informed decisions and create better education policy;

h. Utilize, to the greatest extent practicable, the Department of Education's existing data collection infrastructure; and

i. Manage and coordinate all existing federally funded research and data collection projects that rely on Department of Education data collection.

IV. MISCELLANEOUS

A. All principal departments and other state agencies shall cooperate with the Center in the performance of its responsibilities. The Center may request, and principal departments and other state agencies shall provide, such policy and technical information as is required by the Center in the discharge of its responsibilities. Agencies shall make every effort to provide the Center with key staff and other means of support to assist in

the performance of its duties.

B. The Advisory Committee, if established, may promulgate bylaws, consistent with law and with this Executive Order, to govern its organization and procedure.

C. The Center may hire or retain such contractors, subcontractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers and the performance of its duties as it may deem advisable and necessary, in accordance with the relevant statutes, rules and procedures of the Civil Service Commission and the Department of Management and Budget.

D. The Center may accept grants of funds and donations of funds, property, labor or other things of value from any department or office of the state of Michigan and the United States and from any other public or private office or person for the purpose of furthering the Center's services.

E. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith. The State Board of Education shall retain its policy-making authority, if any, with regard to the transferred provisions by determining the policies on which the administration of the provision shall be based.

F. The Director of the Center shall provide executive direction and supervision for the transfer and implementation of applicable functions in such ways as to promote efficient administration, and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

G. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system through September 30, 2002.

H. All records, personnel, property and funds used, held, employed or to be made available to the Department of Education or the Department of Treasury for the activities transferred herein are hereby transferred to the Center.

I. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be in effect until revised, amended or rescinded.

J. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

K. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective September 28, 2000.

History: 2000, E.R.O. No. 2000-6, Eff. Sept. 28, 2000.